

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case Number: 23-45970-mlo

Dailey Law Firm, PC

Chapter 11

Debtor.

Hon. Maria L. Oxholm

**EX-PARTE MOTION FOR EXPEDITED HEARING AND SHORTENING
OF TIME FOR FILING OBJECTIONS TO UNITED STATES TRUSTEE'S
MOTION TO CONVERT, OR DISMISS CASE UNDER 11 U.S.C. §1112(b)**

Andrew R. Vara, United States Trustee, states as follows:

1. This is the United States Trustee's Ex-Parte Motion for Expedited Hearing and to Shorten Time for Filing Objections to United States Trustee's Motion To Dismiss or Convert Case Under 11 U.S.C. §1112(b). This Motion is filed under L.B.R. 9006-1 and F.R.Bankr.P. 9006(c). A proposed Order is attached.

2. Concurrent with filing of the present Motion, the United States Trustee has filed a Motion to Dismiss or Convert the Debtor's case for cause under 11 U.S.C. §1112(b).

3. The substance of the United States Trustee's Motion relates to the Debtor's failure to comply with its fiduciary duties, failure to comply with court orders and has failed to provide information reasonably requested by the United States Trustee, and has failed to comply with the filing requirements of 11 U.S.C. §1116(1).

4. Under F.R.Bankr.P. 9006(c):

[e]xcept as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of the court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

5. Federal Rule of Bankruptcy Procedure 9006(c)(2) does not preclude the reduction of the time for taking action on this motion. Furthermore, pursuant to L.B.R. 9006-1(b), “[u]nless prohibited by F.R.Bankr.P. 9006, and to the extent otherwise permitted by the Code and the Federal Rules of Bankruptcy Procedure, a party may move in writing for, and the Court may sign, an ex parte order reducing or enlarging the time for a party to take any action or file any paper.” As set forth above, F.R.Bankr.P. 9006 does not preclude a reduction of the normal time period for filing objections to such motion.

6. In the present case, there is cause for granting the United States Trustee’s Ex-Parte Motion for Expedited Hearing and Shortening of the Time Period for Filing Objections to his Motion.

7. The Debtor’s failure to timely comply with basic fiduciary responsibilities, including the payment of administrative expenses – withholding taxes, and the failure to comply the operating requirements of the United States Trustee is a matter that must be addressed as soon as practicable.

8. On August 18, 2023 the Court entered the *Stipulated Order Expanding the Subchapter V Trustee’s Duties Under 11 U.S.C. §1183(b)(2), and for Other*

Relief Relating to the Duties of the Debtor In Possession (the “Stipulated Order”)
[Docket No. 96].

9. The United States Trustee’s Motion to Dismiss or Convert alleges, in part, that the Debtor has failed to comply with the August 18 Stipulated Order.

10. Under the terms of the Stipulated Order, the Debtor agreed to a shortened notice on any motion to convert or dismiss to period of five days.

WHEREFORE, the United States Trustee respectfully requests that this Honorable Court enter the proposed Order For Expedited Hearing and Shortening of the Time for Filing Objections to United States Trustee’s Motion to Convert or Dismiss.

Respectfully submitted,

ANDREW R. VARA
UNITED STATES TRUSTEE
Regions 3 and 9

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[P56345]

Dated: September 6, 2023

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case Number: 23-45970-mlo

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Chapter 11

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Hon. Maria L. Oxholm

**EX-PARTE ORDER SCHEDULING EXPEDITED HEARING
AND SHORTENING TIME FOR FILING OBJECTIONS TO UNITED
STATES TRUSTEE'S MOTION TO CONVERT OR DISMISS CASE
UNDER 11 U.S.C. §1112(b)**

THIS MATTER came before the Court on the Ex-Parte Motion of the United States Trustee, requesting an expedited hearing on, and shortening of time for objections to his Motion to Convert or Dismiss filed concurrently with the Ex-Parte Motion. The Court having found cause to grant the United States Trustee's request for a shortened notice and expedited hearing:

IT IS ORDERED the 21-day period for notice of the hearing on the dismissal or conversion of the case required by F.R.Bankr.P. 2002(a)(4) is hereby shortened for cause, pursuant to F.R.Bankr.P. 9006(c), because it appears that the Debtor might be obtaining the benefits of the automatic stay to the detriment of creditors for an extended time without the intention or ability to abide by the obligations which accompany such relief.

IT IS FURTHER ORDERED that United States Trustee's Motion to Convert or Dismiss shall be heard telephonically in the United States Bankruptcy Court before the Hon. Maria L. Oxholm on **September _____, 2023 at a.m/p.m** by calling (877) 336-1831 and using Access Code: 6226995.

IT IS FURTHER ORDERED that responses to the United States Trustee's Motion to Convert or Dismiss must be filed no later than 5:00 p.m. on Tuesday September 12, 2023.

IT IS FURTHER ORDERED that copies of United States Trustee's Motion to Convert or Dismiss, and this Order shall be served on Debtor, and the Matrix within 24 hours after entry of this Order.